

SENATE BILL 1315

By McNally

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, Part 2; Title 39, Chapter 13, Part 1 and Title 40, Chapter 35, Part 3, relative to the punishment for certain alcohol-related offenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-35-313, is amended by deleting from subdivision (a)(1)(B)(i)(c) the language “or a Class A or B felony” and substituting instead the language “vehicular assault under § 39-13-106 prior to service of the minimum sentence required by § 39-13-106, or a Class A or B felony”.

SECTION 2. Tennessee Code Annotated, Section 39-13-106, is amended by deleting subsection (b) and substituting instead the following:

(b)

(1) Vehicular assault is a Class D felony.

(2) Any sentence imposed for a first violation of this section shall include a mandatory minimum sentence of forty-eight (48) consecutive hours of incarceration. The person shall not be eligible for release from confinement on probation pursuant to § 40-35-303 until the person has served the entire forty-eight-hour minimum mandatory sentence.

(3) If at the time of sentencing for a violation of this section, the person has one (1) prior conviction for an alcohol-related offense, any sentence imposed by the judge shall include a mandatory minimum sentence of forty-five (45) consecutive days of incarceration. The person shall not be eligible for release from confinement on probation pursuant to § 40-35-303 until the person has served the entire forty-five-day minimum mandatory sentence.

(4) If at the time of sentencing for a violation of this section, the person has any combination of two (2) prior convictions for an alcohol-related offense, any sentence imposed by the judge shall include a mandatory minimum sentence of one hundred twenty (120) consecutive days of incarceration. The person shall not be eligible for release from confinement on probation pursuant to § 40-35-303 until the person has served the entire one hundred twenty-day mandatory minimum sentence.

(5) If at the time of sentencing for a violation of this section, the person has any combination of three (3) or more prior convictions for an alcohol-related offense, any sentence imposed by the judge shall include a mandatory minimum sentence of one hundred fifty (150) consecutive days of incarceration. The person shall not be eligible for release from confinement on probation pursuant to § 40-35-303 until the person has served the entire one hundred fifty-day mandatory minimum sentence.

(6) As used in this subsection, “alcohol-related offense” means a conviction for a violation of § 55-10-401, § 39-13-106, § 39-13-213(a)(2), or § 39-13-218.

(7) For purposes of sentencing under this subsection (b), a prior conviction for an alcohol-related offense may be used to enhance the mandatory minimum sentence regardless of whether it occurred before or after the effective date of this act, as long as the violation of this section occurs on or after July 1, 2015.

SECTION 3. Tennessee Code Annotated, Section 39-13-213, is amended by deleting subdivision (b)(2) and substituting instead the following:

(2)

(A) Vehicular homicide under subdivision (a)(2) is a Class B felony.

(B) Any sentence imposed for a first violation of subdivision (a)(2) shall include a mandatory minimum sentence of forty-eight (48) consecutive hours of incarceration. The person shall not be eligible for release from confinement on probation pursuant to § 40-35-303 until the person has served the entire forty-eight-hour minimum mandatory sentence.

(C) If at the time of sentencing for a violation of subdivision (a)(2), the person has one (1) prior conviction for an alcohol-related offense, any sentence imposed by the judge shall include a mandatory minimum sentence of forty-five (45) consecutive days of incarceration. The person shall not be eligible for release from confinement on probation pursuant to § 40-35-303 until the person has served the entire forty-five-day minimum mandatory sentence.

(D) If at the time of sentencing for a violation of subdivision (a)(2), the person has any combination of two (2) prior convictions for an alcohol-related offense, any sentence imposed by the judge shall include a mandatory minimum sentence of one hundred twenty (120) consecutive days of incarceration. The person shall not be eligible for release from confinement on probation pursuant to § 40-35-303 until the person has served the entire one hundred twenty-day mandatory minimum sentence.

(E) If at the time of sentencing for a violation of subdivision (a)(2), the person has any combination of three (3) or more prior convictions for an alcohol-related offense, any sentence imposed by the judge shall include a mandatory minimum sentence of one hundred fifty (150) consecutive days of incarceration. The person shall not be eligible for release from confinement on probation pursuant to § 40-35-303 until the person has served the entire one hundred fifty-day mandatory minimum sentence.

(F) As used in this subsection, “alcohol-related offense” means a conviction for a violation of § 55-10-401, § 39-13-106, § 39-13-213(a)(2), or § 39-13-218.

(G) For purposes of sentencing under this subdivision (b)(2), a prior conviction for an alcohol-related offense may be used to enhance the mandatory minimum sentence regardless of whether it occurred before or after the effective date of this act, as long as the violation of this section occurs on or after July 1, 2015.

SECTION 4. This act shall take effect July 1, 2015, the public welfare requiring it.